

Recent Changes to the Political Reform Act

Below are summaries of the legislative and regulatory changes made to the Political Reform Act (Act) in 2017. All of the legislative provisions except for SB 267 take effect January 1, 2018. To view the full text of the bills, visit: <http://leginfo.legislature.ca.gov/>. To view the full text of the FPPC regulations, visit: <http://www.fppc.ca.gov/the-law/fppc-regulations.html>.

Campaign Changes

Legislative

Advertising disclosure rules: The Act's advertisement disclaimer provisions have been redefined and recast. New rules apply to the disclosure statements, location, and format criteria required for television, print, radio, telephone, and electronic media advertisements with some exemptions. On-advertisement disclosure of the top two contributors has been changed to the top three contributors and this rule now applies to general purpose committees. Certain committees would be exempt from the top contributor disclosure, including candidate and political party committees. (AB 249 (Mullin) – Chapter 546, Statutes 2017)

Committee name requirements: A committee that supports or opposes ballot measures is no longer required to name and identify itself using a name or phrase that clearly identifies the economic or other special interests of its major donors of \$50,000 or more. (AB 249 (Mullin) – Chapter 546, Statutes 2017)

Intermediary reporting/definition of earmark: Under the new rules, any dues, assessments, fees and similar payments made to membership organizations that are less than \$500 per calendar from a single source for the purpose of making expenditures and contributions to state or local ballot measures or candidates are no longer considered earmarked. In this situation, the membership organization is considered the source. (AB 249 (Mullin) – Chapter 546, Statutes 2017)

Public safety names - slate mailer organizations: A slate mailer organization that sends a slate mailer or other mass mailing that identifies itself or its source material as representing a nongovernmental organization with a name that would reasonably be understood to imply that the nongovernmental organization is composed of, or affiliated with, law enforcement, firefighting, emergency medical, or other public safety personnel, is required to disclose in the slate mailer or mass mailing the total number of members in the organization identified in the slate mailer or mass mailing. This bill would require the slate mailer organization to disclose on the mailing, in a specified format, whether the slate mailer organization represents public safety personnel. (SB 226 (Hertzberg) – Chapter 855, Statutes 2017)

Payments made to support or oppose the qualification of a local measure – reporting: A recipient committee is now required to file a report each time it makes contributions or independent expenditures aggregating \$5,000 or more to support or oppose the **qualification**

of a single **local** initiative or referendum ballot measure. The report must be filed within 10 business days of reaching the aggregated dollar threshold in the place(s) where the committee would be required to file campaign statements if it were primarily formed to support or oppose the measure. (AB 187 (Gloria) – Chapter 183, Statutes 2017)

City of Sacramento contract – campaign ordinance: Existing law authorizes the FPPC to have primary responsibility for the impartial, effective administration, implementation, and enforcement of the local campaign ordinance of the County of San Bernardino. This bill authorizes the FPPC and the Sacramento City Council to also enter into such an agreement. (SB 267 (Pan) – Chapter 622, Statutes 2017, effective October 9, 2017)

Paper filings of campaign statements - Secretary of State's office: This bill eliminates the requirement that those filers who file online or by electronic means with the Secretary of State's Office also file in paper format pending the determination by the Secretary of State. The bill would become operative when the Secretary of State certifies the new online filing and disclosure system for public use. (AB 895 (Quirk) – Chapter 111, Statutes 2017)

Campaign links – Secretary of State's office: The Secretary of State's office is now required to post hyperlinks to the website of any local government agency that contains campaign finance information and is required to update these hyperlinks by December 31 each year. (SB 358 (Stern) – Chapter 624, Statutes 2017)

Regulatory

State recall elections: The limit on inter-candidate contributions of campaign funds in Section 85305 does not apply to contributions to a committee controlled by an elected state officer opposing a recall measure as described in Section 85315. (Rios Opinion – O-17-001 and Regulation 18535)

Other Changes

Legislative

Behested payments: The definition of “contribution” has been recast and the sections describing behested payments and the reporting requirements for behested payments were moved into their own sections. (AB 867 (Cooley) – Chapter 749, Statutes 2017)

Mass mailings sent at public expense: Regulation 18901, which prescribes which mass mailings at public expense are allowed and which are prohibited, has been codified into Government Code Section 89002. In addition, certain mass mailings at public expense are now prohibited from being sent within 60 days of an election by or on behalf of an elected official whose name is on that election ballot. (SB 45 (Mendoza) – Chapter 827, Statutes 2017)

State postgovernment employment (Legislators): Current rules prohibit a member of the Legislature, for a period of one year after leaving office, from acting as a compensated agent

or attorney for, or otherwise representing, any other person by making appearances before, or communications with, the Legislature or its committees, present Members, or officers or employees, if the appearance or communication is made for the purpose of influencing legislative action. The time period for these prohibitions for a Member of the Legislature who resigns from office has been extended. It now commences with the effective date of the resignation and concludes one year after the adjournment of the two-year session in which the resignation occurred. (AB 1620 (Dababneh) – Chapter 800, Statutes 2017)

Local postemployment restrictions: Current rules prohibit, for a period of one year after the official leaves office, elected and other specified local officials who held positions with a local government agency, from acting as agents or attorneys for, or otherwise representing, for compensation, any other person, by appearing before, or communicating with, that local government agency, or any committee, subcommittee, or present member of that local government agency, or any officer or employee of the local government agency. This bill would specify that the one-year prohibition applies to independent contractors of a local government agency or a public agency who are appearing or communicating on behalf of that agency. (AB 551 (Levine) – Chapter 196, Statutes 2017)